

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re FLINT WATER CASES

**Civil Action No. 5:16-cv-10444-JEL-
(consolidated)**

Hon. Judith E. Levy

**REPORT AND RECOMMENDATION
OF THE SPECIAL MASTER REGARDING ENGAGEMENT
OF DISTRIBUTION VENDOR TO DISTRIBUTE PAYMENTS
TO ELIGIBLE CLAIMANTS IN THE PARTIAL SETTLEMENT**

On July 31, 2018, under Federal Rule of Civil Procedure 53, the Court appointed Deborah E. Greenspan to serve as a Special Master. Amended Order Appointing Special Master (“Special Master Appointment Order”), ECF No. 544, PageID.16581-16590.

On January 21, 2021, the Court issued its *Opinion and Order Granting Plaintiffs’ Motion to Establish Settlement Claims Procedures and Allocation and for Preliminary Approval of Class Settlement Components [1318] and Granting Plaintiffs’ Motion for an Order Adopting the Proposed Motion for Approval of Wrongful Death Settlement [1334]*, ECF No. 1399 (“Preliminary Approval Order”).

In the Preliminary Approval Order, the Court appointed Deborah Greenspan as the Special Master under the Amended Settlement Agreement (“ASA”). *Id.* at PageID.54465.

On November 10, 2021, the Court issued its *Opinion and Order Granting Final Approval of a Partial Settlement, Granting Certification of a Settlement Class, Granting Appointment of Settlement Class Counsel [1794], Denying Objections, and Adopting the Report and Recommendation [2006]*, ECF No. 2008 (“Final Approval Order”).¹ The Final Approval Order approved the settlement (“Settlement”) reached between Plaintiffs and the Settling Defendants in the ASA (ECF No. 1394-2, PageID.54120).

On January 20, 2022, the Court issued its *Order Regarding Settlement-Related Duties of the Special Master*, ECF No. 2096, PageID.71973. By this Order, the Court amended its previous Special Master Appointment Order and directed Deborah E. Greenspan to fulfill all of the duties of Special Master set forth in the ASA. See January 2022 Order, PageID.71975. Pursuant to the ASA and the Order Regarding Settlement Related Duties of the Special Master, the Special Master oversees various aspects of the settlement, and the Order directs the Special Master to assist the Court in its oversight role by supervising the implementation of the ASA, including, without limitation, supervision and audit of the claims

¹ Unless otherwise defined herein, all capitalized terms herein have the same meaning set forth in the Amended Settlement Agreement that the Court has approved.

administration process. *See Order Regarding Settlement-Related Duties of the Special Master*, ECF No. 2096, PageID.71975-71976.

On April 16, 2024, the undersigned filed a report regarding the status of the claims review process including information about the details of the claims process, and the volume of claims. *See Notice of the Special Master Regarding Status of Claims Process Under the Amended Settlement Agreement*, ECF No. 2924, PageID. 98487- 98503. Since that time, the claims review process has continued; the claims administration team is primarily working to address reconsideration requests, finalize distribution of notices, and conduct due diligence procedures. The undersigned is reviewing appeals (both on paper and in a hearing where appropriate and feasible). Although the final steps of the review process are ongoing, it is appropriate at this time to prepare the systems and procedures that will be necessary to issue payments.

The ASA provides that payments for those who are minors or those adults who are legally incapacitated at the time of payment shall be issued via structured settlements or to pooled trusts managed by the Court-approved trustee. Payments to adult claimants can be issued via check or digital payments. The payment process includes multiple important steps and choices that will be explained in correspondence to claimants and in a report to this Court. In order to achieve an orderly and efficient distribution process, it is necessary to engage a distribution

vendor that has the infrastructure and experience to manage the data, secure the appropriate and necessary banking information (where payments are made digitally), ensure that payment information is verified, provide instructions and telephone access for claimants who need assistance, address as necessary questions about the form of payment, and efficiently track the status of payments.

The settling plaintiffs' counsel met with and interviewed several potential vendors and ultimately selected Epiq Class Action & Claims Solutions, Inc. d/b/a Epiq Class Action & Mass Tort Solutions ("Epiq") to perform these functions. Epiq is well qualified to perform these tasks: Epiq has been providing services in connection with mass claims administration for nearly 30 years. They provide services in every phase of a class action or mass litigation including notice, administration, lien resolution, and distribution. Their experience includes, among many other examples, serving as the administrator of the physical injury settlement and medical monitoring program arising from the Gulf oil spill, and administrative services for the Fire Victims Trust established as a result of the PG&E bankruptcy. Further information about Epiq is contained in Exhibit A.

Epiq will provide necessary services to enable the distribution of funds to tens of thousands of eligible claimants and will facilitate the distribution of payments in formats most efficient for claimants. Accordingly, I recommend that the Court approve the engagement of Epiq to implement the payment distribution process and

authorize the undersigned to execute a contractual agreement (as approved by the Court) governing the engagement. The contract defines the scope and nature of the services that Epiq will provide and the terms of compensation. Epiq will provide detailed invoices to be submitted to the Court for review and approval.

I have submitted with this Report for the Court's consideration a proposed Order addressing the engagement of Epiq as the Distribution Vendor.

Respectfully submitted,

Date: August 31, 2024

/s/ Deborah E. Greenspan
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Special Master
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CERTIFICATE OF SERVICE

I certify that on August 31, 2024, I electronically filed the foregoing document with the Clerk of the Court using the Court's ECF system, which will send notification of such filing to attorneys of record.

Date: August 31, 2024

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